

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

HAROLD A. BURSELL, M.D. )  
Certificate No. A-9265 )

Respondent )  
\_\_\_\_\_ )

No. D-3077


DECISION

The attached Voluntary Surrender of Certificate to Practice Medicine is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

The surrender shall become effective on January 1, 1984.

IT IS SO ORDERED February 15, 1984.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

  
MILLER MEDEARIS  
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 STEVEN M. KAHN  
Deputy Attorney General  
3 1515 K Street, Suite 511  
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4 Telephone: (916) 324-5338

5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation	)	No. D-3077
12 Against:	)	
	)	
13 HAROLD A. BURSELL, M.D.	)	VOLUNTARY SURRENDER
1020 Shasta Street	)	OF CERTIFICATE TO
14 Redding, California 96001	)	<u>PRACTICE MEDICINE</u>
	)	
Physician's and Surgeon's	)	
15 Certificate No. A-9265	)	
	)	
16 Respondent.	)	
	)	

17  
18 IT IS HEREBY STIPULATED by the parties to the above  
19 entitled matter as follows:

20 1. Respondent Harold A. Bursell, M.D. (hereinafter  
21 "respondent") was heretofore issued physician's and surgeon's  
22 certificate number A-9265 under the laws of the State of Cali-  
23 fornia. At all times herein mentioned, said certificate was,  
24 and now is, in full force and effect.

25 2. On or about July 12, 1983, an accusation bearing  
26 number D-3077 was filed by Vernon Leeper, Program Manager for  
27 Enforcement for the Board of Medical Quality Assurance of the

1 State of California in his official capacity as such. Said  
2 accusation listed causes for disciplinary action against respon-  
3 dent, and a true and correct copy of said accusation is attached  
4 hereto and incorporated herein by reference as though fully set  
5 forth at this point. Said respondent was duly and properly  
6 served with accusation number D-3077 by certified mail, and said  
7 respondent filed a timely notice of defense requesting a hearing  
8 on the charges contained in the accusation.

9 3. Respondent has retained as his counsel the law  
10 offices of Turner and Sullivan. Respondent has fully discussed  
11 with his counsel the charges and allegations of violations of  
12 the California Business and Professions Code alleged in accu-  
13 sation D-3077, and has been fully advised of his rights under  
14 the Administrative Procedure Act of the State of California,  
15 including his rights to a formal hearing, an opportunity to  
16 defend against the charges contained therein, and reconsideration  
17 and appeal of any adverse decision that might be rendered fol-  
18 lowing said hearing.

19 4. Respondent hereby freely and voluntarily surren-  
20 ders his physician's and surgeon's certificate entitling him to  
21 practice medicine in the State of California. Respondent under-  
22 stands that upon acceptance of this surrender by the Division of  
23 Medical Quality, respondent shall not have the right to practice  
24 medicine in the State of California and will lose all rights and  
25 privileges accorded by his licensure as a physician and surgeon.

26 5. Respondent agrees not to reapply for certification  
27 as a physician and surgeon for a period of at least one year

1 from the effective date of this surrender. If respondent should  
2 thereafter apply for a physician's and surgeon's certificate,  
3 respondent's application shall be treated as an original appli-  
4 cation and he shall be required to meet all requirements of an  
5 original applicant. Any and all information gathered in con-  
6 nection with accusation number D-3077 may be considered in deter-  
7 mining whether or not such future application should be granted.  
8 In the event that the application is denied, respondent shall be  
9 entitled to a hearing if he requests one. For purposes of such  
10 a hearing only, all of the allegations in accusation D-3077  
11 attached hereto shall be deemed to be admitted by respondent,  
12 and respondent waives any and all defenses based on a claim of  
13 laches.

14 6. On approval of this voluntary surrender of certifi-  
15 cate to practice medicine by the Division of Medical Quality,  
16 accusation number D-3077 currently pending against respondent  
17 shall be dismissed without prejudice.

18 7. The parties agree that this document shall be null  
19 and void and not binding upon the parties unless and until it is  
20 approved by the Division of Medical Quality of the Board of  
21 Medical Quality Assurance.

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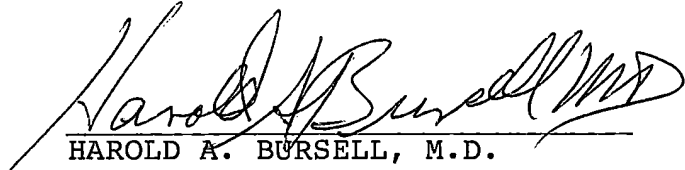
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1 I HAVE READ the voluntary surrender. I understand I  
2 have the right to a hearing on the charges contained in the  
3 accusation, the right to cross-examine witnesses, and the right  
4 to introduce evidence. I knowingly and intelligently waive  
5 these rights, and understanding the terms and ramifications of  
6 the voluntary surrender, agree to be bound by its terms.

7 DATED: 12.27.83

8   
9 HAROLD A. BURSELL, M.D.

10 Respondent

11  
12 DATED: 12-22-83


13 TURNER AND SULLIVAN

14  
15 By   
16 RICHARD K. TURNER, ESQ.

17 Attorneys for Respondent

18 DATED: January 3, 1984

19 JOHN K. VAN DE KAMP, Attorney General  
20 of the State of California  
21 STEVEN M. KAHN  
22 Deputy Attorney General

23 By   
24 STEVEN M. KAHN  
25 Deputy Attorney General

26 Attorneys for Complainant

27 ///

///

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of the State of California  
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3 1515 K Street, Suite 511  
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8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation ) No. D-3077  
Against: )  
13 )  
HAROLD A. BURSELL, M.D. ) ACCUSATION  
14 1020 Shasta Street )  
Redding, California 96001 )  
15 )  
Physician's and Surgeon's )  
16 Certificate No. A9265 )  
17 Respondent. )  
18

19 Vernon A. Leeper, the complainant herein, alleges as  
20 follows:

21 1. At the time of executing and filing the within  
22 pleading, the complainant was, and now is, the Program Manager  
23 for Enforcement for the Board of Medical Quality Assurance of  
24 the State of California, and makes this accusation in his  
25 official capacity as such.

26 2. On or about September 12, 1941, respondent, Harold  
27 A. Bursell, M.D. (hereinafter "respondent") was issued

1 physician's and surgeon's certificate number A9265 under the laws  
2 of the State of California. Said certificate is presently in  
3 full force and effect.

4 3. Section 2234 of the Business and Professions Code  
5 (hereinafter referred to as "the Code") provides that the  
6 Division of Medical Quality of the Board of Medical Quality  
7 Assurance shall take action against a holder of a physician's and  
8 surgeon's certificate who is guilty of unprofessional conduct.

9 4. Section 2234, subdivision (c), of the Code provides  
10 that repeated similar negligent acts constitutes unprofessional  
11 conduct.

12 5. Section 2242, subdivision (a), of the Code provides  
13 that prescribing, dispensing or furnishing dangerous drugs as  
14 defined in section 4211 of the Code without a good faith prior  
15 examination and medical indication therefor, constitutes  
16 unprofessional conduct.

17 6. Section 725 of the Code provides, in pertinent  
18 part, that repeated acts of clearly excessive prescribing or  
19 administering of drugs or treatment as determined by the standard  
20 of the local community of licensees is unprofessional conduct for  
21 a physician and surgeon.

22 7. At all times herein mentioned, phentermine,  
23 phendimetrazine, diethylpropion, chloralhydrate, and Sanorex, a  
24 brand name for mazindol, were controlled substances within the  
25 meaning of the Health and Safety Code and dangerous drugs within  
26 the meaning of Business and Professions Code section 4211.

27 8. At all times herein mentioned, thyroid tablets were

1 dangerous drugs within the meaning of Business and Professions  
2 Code section 4211.

3 I. Joyce J.

4 9. Respondent is subject to disciplinary action  
5 pursuant to section 2234 of the Code in that he is guilty of  
6 unprofessional conduct as more particularly alleged hereinafter:

7 A. During the period from on or about October 22, 1980  
8 to in or about November 1980, respondent saw Joyce J. for weight  
9 control.

10 B. Respondent violated section 2242, subdivision (a),  
11 of the Code in that during the above period, he prescribed  
12 thyroid medication for Joyce J. without a medical indication  
13 therefor.

14 II. Judith S.

15 10. Respondent is further subject to disciplinary  
16 action pursuant to section 2234 of the Code in that he is guilty  
17 of unprofessional conduct as more particularly alleged  
18 hereinafter:

19 A. During the period from on or about February 4, 1977  
20 to in or about December 1981, respondent saw Judith S. for weight  
21 control. During this period of time, respondent, on numerous  
22 occasions, prescribed phendimetrazine for said person.

23 B. Respondent violated section 725 of the Code in that  
24 his prescribing of phendimetrazine to Judith S. since January 1,  
25 1978, constituted repeated acts of clearly excessive prescribing  
26 as determined by the standard of the local community of  
27 licensees.



1 C. Respondent violated section 2242, subdivision (a),  
2 of the Code in that on or about September 25, 1978, he prescribed  
3 thyroid medication for Judith S. without a medical indication  
4 therefor.

5 III. Audrey B.

6 11. Respondent is further subject to disciplinary  
7 action pursuant to section 2234 of the Code in that he is guilty  
8 of unprofessional conduct as more particularly alleged  
9 hereinafter:

10 A. During the period from on or about May 2, 1978  
11 through on or about September 5, 1979, respondent saw Audrey B.  
12 for weight control.

13 B. During the period from on or about May 6, 1978  
14 through on or about November 16, 1978, respondent, on a monthly  
15 basis, prescribed diethylpropion for said patient, and continued  
16 said prescriptions after the patient had reached her desired  
17 weight. During the period from in or about May 1978 through  
18 November 1978, and also from July 1979 through September 5, 1979,  
19 respondent, on a number of occasions, prescribed thyroid  
20 medication for said patient.

21 C. Respondent violated section 725 of the Code in that  
22 from on or about September 21, 1978 through on or about November  
23 16, 1978, respondent's continued prescribing of diethylpropion  
24 after the patient had reached the desired weight constituted  
25 repeated acts of clearly excessive prescribing as determined by  
26 the standard of the local community of licensees.

27 D. Respondent violated section 2242, subdivision (a),

1 of the Code in that he prescribed thyroid medication for Audrey  
2 B. without a medical indication therefor.

3 E. Respondent violated section 2242, subdivision (a),  
4 of the Code in that from on or about July 11, 1979 through on or  
5 about September 5, 1979, he prescribed diethylpropion for Audrey  
6 B. without a good faith prior examination.

7 IV. Mildred E.

8 12. Respondent is further subject to disciplinary  
9 action pursuant to section 2234 of the Code in that he is guilty  
10 of unprofessional conduct as more particularly alleged  
11 hereinafter:

12 A. From in or about November 1975 through in or about  
13 November 1976, respondent treated Mildred E. for weight control.  
14 On or about June 10, 1976 and on or about November 10, 1976,  
15 respondent prescribed thyroid medication for said patient.

16 B. Respondent violated section 2242, subdivision (a),  
17 of the Code in that he prescribed thyroid medication for Mildred  
18 E. without a medical indication therefor.

19 V. Suzanne A.

20 13. Respondent is further subject to disciplinary  
21 action pursuant to section 2234 of the Code in that he is guilty  
22 of unprofessional conduct as more particularly alleged  
23 hereinafter:

24 A. During the period from on or about August 30, 1977  
25 through on or about June 15, 1978, respondent saw Suzanne A. for  
26 weight control. During said period of time, respondent, on  
27 numerous occasions, prescribed thyroid medication for said  
28 patient.

1 B. Respondent violated section 2242, subdivision (a),  
2 of the Code in that he prescribed thyroid medication for Suzanne  
3 A. without a medical indication therefor.

4 VI. Helen B.

5 14. Respondent is further subject to disciplinary  
6 action pursuant to section 2234 of the Code in that he is guilty  
7 of unprofessional conduct as more particularly alleged  
8 hereinafter:

9 A. During the period from on or about March 6, 1979  
10 through on or about April 2, 1980, respondent saw Helen B. for  
11 weight control. During said period of time, respondent, on  
12 numerous occasions, prescribed diethylpropion, phendimetrazine,  
13 chloralhydrate, and Sanorex for said patient. On several  
14 occasions, respondent prescribed thyroid medication for said  
15 patient.

16 B. Respondent violated section 725 of the Code in that  
17 he continued to prescribed dangerous drugs for said patient for a  
18 period of approximately one year although the patient failed to  
19 lose a significant amount of weight during that period. Said  
20 prescribing constitutes repeated acts of clearly excessive  
21 prescribing as determined by the standard of the local community  
22 of licensees.

23 C. Respondent violated section 2242, subdivision (c),  
24 of the Code in that he prescribed thyroid medication for Helen B.  
25 without a medical indication therefor.

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27 ///

VII. Carol B.

15. Respondent is further subject to disciplinary action pursuant to section 2234 of the Code in that he is guilty of unprofessional conduct as more particularly alleged hereinafter:

A. During the period from on or about October 14, 1980 through on or about May 7, 1981, respondent treated Carol B. for weight control. On numerous occasions during said period, respondent prescribed thyroid medication for said patient.

B. Respondent violated section 2242, subdivision (a), of the Code in that he prescribed thyroid medication for Carol B. without a medical indication therefor.

VIII. Patient A.

16. Respondent is further subject to disciplinary action pursuant to section 2234 of the Code in that he is guilty of unprofessional conduct as more particularly alleged hereinafter:

A. From on or about November 16, 1977 through on or about December 18, 1981, respondent saw a person referred to herein as patient A for weight control. During said period of time, respondent prescribed diethylpropion, phentermine, and phendimetrazine on numerous occasions. On at least two occasions, respondent prescribed thyroid medication for said patient.

B. Respondent violated section 725 of the Code in that in 1978 and 1979, he repeatedly prescribed phentermine, diethylpropion, and phendimetrazine for said patient without the

1 patient losing a significant amount of weight, and that said  
2 prescribing constituted repeated acts of clearly excessive  
3 prescribing as determined by the standard of the local community  
4 of licensees.

5 C. Respondent violated section 2242, subdivision (a),  
6 of the Code in that he prescribed thyroid medication for patient  
7 A during the above mentioned period without a medical indication  
8 therefor.

9 IX. Patient C.

10 17. Respondent is further subject to disciplinary  
11 action pursuant to section 2234 of the Code in that he is guilty  
12 of unprofessional conduct as more particularly alleged  
13 hereinafter:

14 A. During the period from on or about July 16, 1976  
15 through on or about July 13, 1982, respondent saw a person  
16 referred to herein as patient C on approximately seven occasions  
17 for weight control.

18 B. On or about June 3, 1977, February 14, 1978, and  
19 July 13, 1982, respondent prescribed thyroid medication for said  
20 patient.

21 C. Respondent violated section 2242, subdivision (a),  
22 of the Code in that he prescribed thyroid medication for patient  
23 C without a medical indication therefor.

24 18. Respondent is further subject to disciplinary  
25 action pursuant to section 2234 of the Code in that he is guilty  
26 of repeated similar negligent acts in violation of section 2234,  
27 subdivision (c), of the Code as more particularly alleged  
28 hereinafter:

1           A. Paragraphs 9A, 9B, 10A, 10C, 11A, 11B, 11D, 12A,  
2 12B, 13A, 13B, 14A, 14C, 15A, 15B, 16A, 16C, 17A, 17B and 17C  
3 hereinabove are incorporated herein by reference as though fully  
4 set forth at this point.

5           B. During the periods indicated below, respondent saw  
6 the following additional persons for weight control:

<u>Patient Name</u>	<u>Period of Treatment</u>
7 Rhonda B.	October 19, 1981 - May 26, 1982
8 Jeanette C.	February 1, 1982 - May 26, 1982
9 Susan B.	March 11, 1980 - May 5, 1982
10 Terri G.	October 1, 1979 - September 24, 1980
11 Connie B.	April 7, 1980 - March 24, 1983
12 Patient B.	August 5, 1981 - July 19, 1982

13           C. Respondent committed repeated similar negligent  
14 acts in that:  
15

16           (1.) Regarding his treatment of Joyce J., Judith  
17 S., Helen B., Carol B., Patient C., Rhonda B., Jeanette C., Susan  
18 B. and Patient B., respondent prescribed multiple dangerous drugs  
19 on the initial visit of said patients and permitted the patients  
20 to decide which medication worked best.

21           (2.) Regarding patients Joyce J., Judith S.,  
22 Audrey B., Suzanne A., Helen B., Carol B., Patient A. and Patient  
23 C., respondent prescribed thyroid medication for said patients  
24 without a medical indication.

25           (3.) Regarding patients Helen B., Jeanette C.,  
26 Terri G., Connie B. and Patient B., respondent failed to have  
27 laboratory tests done periodically to assure that the patients

1 had proper electrolyte balance and proper liver function.

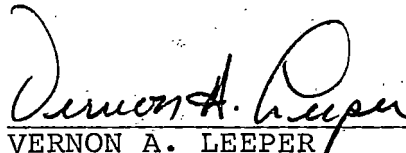
2 (4.) Regarding patients Judith S., Audrey B., Suzanne  
3 A., Helen B., Carol B., Patient A., Patient C., Rhonda B., Susan  
4 B., Terri G. and Connie B., respondent failed to prescribe or  
5 record any diet or exercise as part of his weight control  
6 program.

7 WHEREFORE, complainant prays that the Division of  
8 Medical Quality hold a hearing on the matters alleged herein and  
9 following said hearing issue a decision:

10 1. Suspending or revoking the physician's certificate  
11 issued to respondent Harold A. Bursell, M.D.; and

12 2. Taking such other and further action as it deems  
13 proper.

14 DATED: July 12, 1983



VERNON A. LEEPER  
Program Manager, Enforcement  
Board of Medical Quality Assurance  
Department of Consumer Affairs  
State of California

Complainant

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SA83AD0278

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